

CHAPTER 4

Legislative Branch



Opening Day of Legislature, Roy Hamlin Speaker, late 1950s.
(Missouri State Archives, Massie Collection)

The Missouri General Assembly

Legislative power in Missouri is vested by Section 1, Article III of the 1945 Constitution in the General Assembly, composed of the Senate and the House of Representatives.

The Senate consists of 34 members, elected for four-year terms. Senators from odd-numbered districts are elected in presidential election years. Senators from even-numbered districts are chosen in the "off year" elections. Each senator must be at least 30 years of age, a qualified voter of the state for three years and of the district he or she represents for one year. The lieutenant governor is president and presiding officer of the Senate. In the absence of the lieutenant governor, the president *pro tem*, elected by the Senate members, presides.

The House of Representatives consists of 163 members, elected at each general election for a two-year term. A representative must be at least 24 years of age, a qualified voter of the state for two years and of the district he or she represents for one year. The House of Representatives is presided over by the speaker, chosen by the members, and in the absence of the speaker by the speaker *pro tem*.

Reapportionment of both houses of the Missouri General Assembly following each decennial U.S. census is provided for by the Missouri Constitution.

Senators and representatives receive a salary of \$31,351 per year, a weekly allowance for miles traveled going to and returning from their place of meeting and expenses for each day the General Assembly is in session.

Time of Meeting

The General Assembly convenes annually on the first Wednesday after the first Monday of January. Adjournment is midnight on May 30, with no consideration of bills after 6 p.m. on the first Friday after the second Monday in May. If the governor returns a bill with his objections on or after the fifth day before the last day upon which a session of the General Assembly may consider bills, the General Assembly is automatically reconvened on the first Wednesday following the second Monday in September for a period not to exceed 10 calendar days to consider vetoed bills.

A special session of the General Assembly may be called by petition of the General Assembly. If three-fourths of the members of the Senate and three-fourths of the members of the House of Representatives sign the petition calling for a special session, the president *pro tem* of the Senate and the speaker of the House shall, by joint proclamation, convene the General Assembly in special session.

The petition and proclamation must specifically state the subjects to be considered during the special session, and the signed petition must be filed with the secretary of state.

The General Assembly shall automatically stand adjourned *sine die* at 6 p.m. on the 30th calendar day after the convening of the special session unless it has adjourned *sine die* before the 30th day.

No appropriation bill shall be considered in the special session if, in that year, the General Assembly has not passed the operating budget in compliance with Article III, Section 25 of the Missouri Constitution.

The governor may convene the General Assembly in special session for a maximum of 60 calendar days at any time. Only subjects recommended by the governor in his call or a special message may be considered.

Organization of the General Assembly

Following the general election in November of even-numbered years, the majority and minority members of each house caucus, separately, nominate candidates for the offices to be elected by each body and organize their parties for the coming session. Nominees of the majority party are, in effect, elected. Each party names its floor leader, assistant floor leader, caucus chair and secretary.

Both houses of the General Assembly convene at noon on the opening day of the session. The Senate is called to order by the lieutenant governor. Temporary officers are named and the roll of new and carryover senators is read. Newly elected senators are then sworn in, usually by a judge of the Supreme Court. The president *pro tem* and other permanent officers are then elected and take an oath of office administered by the president of the Senate.

The House of Representatives is called to order by the secretary of state, and the oath is administered to all members. After the swearing-in ceremony, a roll call is taken and a temporary speaker is named. He or she presides for nomination and election of permanent officers. Temporary rules, usually the rules in force for the preceding session, are adopted.

After each house notifies the other that it is duly organized, a House Resolution is adopted

inviting the Senate to a joint meeting to receive the governor's message. Under the Constitution, the governor, at the beginning of each session, delivers a message concerning state government with any recommendations he wishes to make for the enactment of legislation.

Each house determines its own rules, and procedures and rules may not be dispensed with except by unanimous consent or concurrence by a constitutional majority. Both the Senate and House of Representatives are required to keep a daily journal (or record) of their proceedings. At the end of the session, the journals are bound by the House and Senate. The secretary of state's office provides microform copies of the journals.

How Bills Become Laws

General Provisions

No law is passed except by bill. Bills may originate in either house and are designated as Senate Bills or House Bills, depending on the house in which they originate. No bill (except general appropriations bills) may contain more than one subject, which is to be expressed clearly in its title. No bill can be amended in its passage through either house so as to change its original purpose. No bill can be introduced in either house after the 60th legislative day of a session unless consented to by a majority of the elected members of each house. The governor may request consideration of proposed legislation by a special message. No appropriation bill shall be taken up for consideration after 6 p.m. on the first Friday following the first Monday in May of each year.

Introduction of a Bill

Legislation approved by the 1971 General Assembly (H.B. 156) provides for preintroduction of bills beginning December 1 preceding the opening of the assembly session and continuing up to, but not including, the first day of the session. Bills filed during the preintroduction period are automatically introduced and read the first time on the opening day of the session.

Bills may also be introduced by any senator or representative during the session. Bills may be written by the legislator or drafted by the staff of the Committee on Legislative Research at the request of a senator or representative. When introduced, a bill is assigned a number and read for the first time by its title by the Senate or House reading clerk. It then goes on the calendar for second reading and assignment to committee by the speaker of the House or the president *pro tem* of the Senate.

A public hearing before the committee to which a bill is assigned is the next step in the legislative process. Except in the case of some unusually controversial, complex or lengthy bills, the bill

is presented by its sponsor, and both proponents and opponents are heard in a single hearing. When hearings are concluded, the committee meets to vote and makes its recommendations. The committee may (1) report the bill with the recommendation that it "do pass"; (2) recommend passage with committee amendments, which are attached to the bill; (3) return the bill without recommendation; (4) substitute in lieu of the original bill a new bill to be known as a committee substitute; (5) report the bill with a recommendation that it "do not pass"; or (6) make no report at all.

Perfection of a Bill

If a bill is reported favorably out of committee or a substitute is recommended, it is placed on the "perfection calendar"; and when its turn comes up for consideration; it is debated on the floor of the originating house. If a substitute is recommended by the committee or if committee amendments are attached to the bill, they are first presented, debated and voted upon. Further amendments can then be proposed by other members with their changes designated as House or Senate amendments to differentiate from the committee amendments; a House or Senate substitute bill can also be offered at this time. When all amendments and substitutes have been considered, a motion is made to declare the bill perfected. Perfection is usually voted on by a voice vote; but on the request of five members, a roll call shall be taken. If a majority of members vote to perfect, the bill is reprinted in its original or amended form.

Final Passage of a Bill

After perfection and reprinting, the bill goes on the calendar for third reading and final passage. When the bill is reached in the order of business, any member may speak for or against its passage but no further amendments of a substantive nature can be offered. At the conclusion of debate, a recorded vote is taken. Approval of a constitutional majority of the elected members (18 in the Senate and 82 in the House) is required for final passage.

Passage of the bill is then reported to the other house where it is read a second time, referred to committee for hearing, reported by committee, read a third time and offered for final approval. If further amendments or substitutes are approved, these are reported to the originating house with a request that the changes be approved. If the originating house does not approve, a conference may be requested; and members from each house are designated as a conference committee. Upon agreement by the conference committee (usually a compromise of differences), each reports to its own house on the committee's recommendation. The originat-

ing house acts first on the conference committee version of the bill. If it is approved it goes to the other house; and upon approval there, the bill is declared "truly agreed to and finally passed." If either house rejects the conference committee report, it may be returned to the same or a newly appointed committee for further conferences.

Upon final passage, a bill is ordered enrolled. It is typed in its finally approved form and printed, and the bills are closely compared and proofed for errors.

Signing of the Bill

Bills truly agreed to and finally passed in their typed form are then signed in open session by the House speaker and Senate president or president *pro tem*. At the time of signing, any member may file written objections which are sent with the bill to the governor.

Governor’s Part in Lawmaking

The governor has 15 days to act on a bill if it is sent to him during the legislative session; and 45 days if the Legislature has adjourned or has recessed for a 30-day period.

If he signs a bill, it is returned to its house of origin with his message of approval then delivered to the Office of Secretary of State. If the Legislature is not in session, the bill is delivered directly to the Office of Secretary of State.

If the governor vetoes a bill, it is returned to the house of origin with his objections. A two-thirds vote by members of both houses is required to override a governor’s veto.

If any bill shall not be returned by the governor within the time limits prescribed by Article III, Section 31 of the Missouri Constitution, it shall become law in the same manner as if the governor had signed it.

Effective Date of Laws

The 1945 Constitution provides that no law passed by the General Assembly shall take effect until 90 days after the end of the session in which it was enacted, except an appropriation act or in case of an emergency, which must be expressed in the preamble or in the body of the act. Some bills specify the exact date when they are to take effect.

Duties of the Secretary of State

The secretary of state preserves the finally typed and signed copy of the law. All the laws are bound together in one volume at the close of each session and are maintained in the State Archives should some question arise. The laws are published annually by the Committee on Legislative Research, in a volume titled *Laws of Missouri*, which is distributed to members of the General Assembly, state officials and other interested persons.

The general statute laws are revised by the revisor of statutes in the Office of the Committee on Legislative Research, digested and promulgated. These are known as the *Revised Statutes of Missouri*. Under legislation, the Committee on Legislative Research also publishes annual supplements to the statutes to include changes in laws since the last revision.

Ninety-Second General Assembly Schedule

First Regular Session

Session convened	January 8, 2003
Final day for action on bills	May 16, 2003
Session adjourns	May 30, 2003
Effective date of bills	August 28, 2003

Veto Session

Session Convened	September 10, 2003
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Second Regular Session

Session convenes	January 7, 2004
Final day for action on bills	May 14, 2004
Session adjourns	May 30, 2004
Effective date of bills	August 28, 2004

Veto Session

Session Convenes	September 15, 2004
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